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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,095	07/02/2003	Chee-Wen Shiah	250320-1010	3422

24504 7590 10/15/2007
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
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EXAMINER

ZHAO, DAQUAN

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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10/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/612,095	Applicant(s) SHIAH ET AL.	
	Examiner Daquan Zhao	Art Unit 2621	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 October 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-4 and 7-10.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

Response to Arguments

1. Applicant's arguments filed 10/3/2007 have been fully considered but they are not persuasive.
2. On pages 5-6 of the remark, Applicant argues DeCarmo and Sasaki fail to teach the claimed features of "halting the operation of the optical disc after the reading process has completed in order to avoid the unnecessary free running during idling time for power saving purpose" and "according to a video playing speed, a video play back device continuously acquiring and playing back the video data from the non-volatile storage device".
3. deCarmo teaches in column 3, lines 20-33 and column 6, lines 20-39, using "read interrupt" to halt the caching operation when all the Video Object Units of the Video object have been read, which corresponds to "halting the operation of the optical disc after the reading process has completed to avoid the unnecessary free running during idling time", wherein the idling time corresponds to the halting time of the disc and it would have been obvious to stop the free run of the disc when halting (see explanation below). However, deCarmo fails to specify the "power saving purpose" and playing back the video data according to a video playing speed. Sasaki et al teach in column 3, line 38- column 4, line 5, playing back the video data according to suitable speed to achieve reduced power consumption and reduced noise and vibration." It would have been obvious to one ordinary skill in the art at the time the invention was made to have avoided the unnecessary free running during idling time as taught by deCarmo for the power saving purpose as taught by Sasaki et al to solve the same

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problem and achieve the same predictable result as the claimed invention, which is to reduce the power consumption because running of the disc consumes power and It is just common sense to stop the run when the system is not using it for power consumption (see KSR decision: combining prior art elements according to known methods to yield predictable results).

4. The examiner also took official notice for transferring video from disc onto a non-volatile storage device, and provided evidence of Holt (US 4,139,869), column 3, lines 57-65, in the final Office Action mailed on 8/03/2007. Holt teaches transfer video data from a disc to magnetic tape. The magnetic tape corresponds to a non-volatile memory. DeCarmo teaches the "read ahead" to transfer the video data from the disc to a cache memory. DeCarmo fails to specify the cache is a "non-volatile" memory. It would have been obvious to one ordinary skill in the art at the time the invention was made to have utilized a "non-volatile" memory as a cache memory in the system of deCarmo and Sasaki because the choices of the type memory is limited (see KSR decision: "obvious to try"- choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success). It could either be volatile or non-volatile depends. The volatile memory, such as a Random Access Memory, gives a fast accessing speed, and it is normally has less storage capacity because it is costly. The non-volatile memory, such as a HDD or DVD, gives a slower accessing speed, and it normally has greater storage capacity because it is not as costly as the volatile memory. Therefore, depending on the needs of one ordinary skill in the art at the time of the invention, it

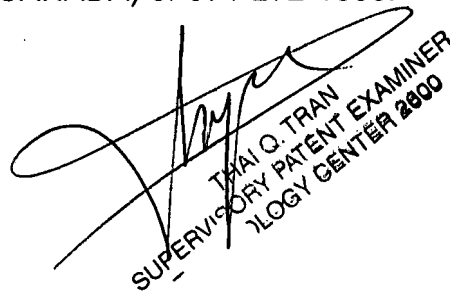
would have obvious to try to use a non-volatile memory as a cache memory as taught in the system of deCarmo and Sasaki et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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